

(8) ARGUMENTS WITH RESPECT TO THE ISSUES PRESENTED FOR
REVIEW:

**(a) Issue 1. Are claims 1-2, 4-5 and 11 of the subject application
rendered obvious by Huttunen in view of Kodama and Mallien?**

Mallien discloses a radio telephone including a radio transmitter 13, a handset 10, and an indicator 120. Mallien's indicator 120 does not indicate whether the transmitter is actually transmitting, but rather, is "illuminated whenever the *radio transmitter is on*" (column 5, lines 26-29; emphasis added). Mallien specifically discusses the operation of the indicator 120 in column 6, lines 53-66. When the user picks up the handset, the radio telephone scans for available channels. Mallien teaches that a green indicator illuminates if an available channel is found, and a red busy indicator illuminates if all channels are busy. Accordingly, Mallien's indicator 120 merely indicates to a user whether a phone call can be made, and does not indicate when the radio telephone is actually transmitting.

For the reasons discussed above, the Examiner has failed to provide a showing in the prior art of an indicator, which indicates to a user of a wireless terminal when a radio is transmitting. Therefore, the Examiner has failed to

provide a *prima facie* case of obviousness with respect to independent claim 1. Claims 2 and 4-5, which are dependent upon claim 1, are also patentable at least for the reasons stated above.

(b) Issue 2. Are claims 6-7 and 9-10 of the subject application rendered obvious by Huttunen in view of Kodama and Mallien?

Applicants note with appreciation the time and effort taken by Examiner Tran on July 17, 2002 with Applicants' representative, Mr. Jason Rhodes, in discussing the Examiner's art grounds of rejection. The substance of that interview is discussed in detail below with respect to these art grounds of rejection.

During the interview of July 17, 2002, Applicants discussed the Examiner's interpretation of independent claim 6 on Huttunen in view Kodama and Mallien, II. During that interview, the Examiner indicated that the light emitting diode (LED) 21E disclosed in Figure 3 of Kodama is a visual indicator, which indicates to a user when the radio receiver 21C is receiving, because it is caused to illuminate by a LED-on signal sent via radio transmission. Therefore, the Examiner asserted that the first visual indicator recited in independent claim 6 reads on the LED 21E of Kodama.

After a careful study of Kodama, Applicants find no support for the Examiner's conclusion that Kodama teaches the first visual indicator that indicates to a user when a radio is receiving, as recited in claim 6. Kodama teaches a cordless telephone including a master unit 100, which is connected to a telephone line and powered by an auxiliary battery, and a slave unit 200 (hand set), which communicates speech signals between the user and the master unit 100. The master unit 100 periodically checks the voltage level across the auxiliary battery while communicating the speech signals with the slave unit 200, and if this voltage level falls below a certain threshold, the master unit 100 will transmit an LED-on signal to the slave unit 200 *instead of* the normally transmitted speech signals to indicate to the user *the drop in voltage across the auxiliary battery*. Since the LED 21E does not illuminate when the speech signals are being received by the slave unit 200, it cannot be interpreted as an indicator that indicates to a user when a radio is receiving. Rather, the LED only indicates when a radio is receiving a specific type of signal (LED-on signal).

Further, Applicants respectfully submit that in the Examiner's proposed combination of Huttunen and Kodama, the indicator signal (LED-on) of Kodama would be transmitted to the wireless terminal 1 of Huttunen by means of Huttunen's cable 6. Therefore, even according to the Examiner's reasoning,

the LED-on signal would not indicate when a radio is receiving, because the LED-on signal would not be received by the wireless terminal as a radio signal.

For the reasons stated above, the Examiner has failed to show where the prior art discloses a visual indicator that indicates to a user of a wireless terminal when a radio is receiving. Therefore, the Examiner has failed to provide a *prima facie* case of obviousness with respect to independent claim 6. Claims 7 and 9-10 are dependent upon claim 6, and are therefore patentable as least for the reasons discussed above.

(c) Issue 3. Is claim 11 of the subject application rendered obvious by Huttunen in view of Kodama and Mallien?

Claim 11 requires both a first visual indicator that indicates to a user of the wireless terminal when the radio is transmitting, and a second visual indicator that indicates when the radio is receiving. For the reasons discussed above, the Examiner has failed to provide a showing of either of these indicators, and accordingly has failed to establish a *prima facie* case of obviousness.

(d) Issue 4. Does Stein, cited by the Examiner in rejecting claims 3 and 8, overcome the disclosure and suggestion deficiencies of Huttunen in view of Kodama and Mallien?

As Applicants have previously asserted, Stein fails to remedy the deficiencies of Huttunen, Kodama, and Mallien discussed above with respect to independent claims 1 and 6. Accordingly, claims 3 and 8 are allowable at least for the reasons stated above with respect to claims 1 and 6.

CONCLUSION

In view of the above, it is believed that this application is in condition for allowance. A favorable action in the form of a Notice of Allowance is earnestly solicited.

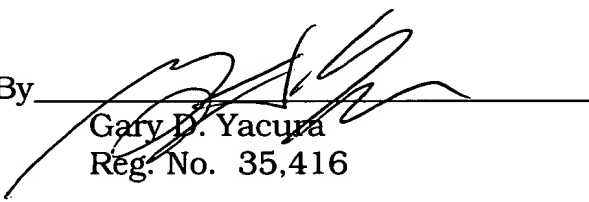
In the event that any outstanding matters remain in this application, Applicant requests that the Examiner contact Jason Rhodes (Reg. No. 47,305) at (703) 390-3348 to discuss such matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, P.L.C.

By


Gary D. Yacura
Reg. No. 35,416

GDY/JWR/dg

P.O. Box 8910
Reston, VA 20195
(703) 390-3030